

**CIVIL NO. 1:CV-09-1718**

The complaint is filed to the case number above, assigned by the Middle District of Pennsylvania, but the heading over the caption reads “In the United States

District Court for the Western District of Pennsylvania.” In the amended complaint, all federal and state defendants previously named are no longer named as defendants and these defendants are deemed to be withdrawn from the action. Plaintiff was advised by order of September 8, 2009 that an “amended complaint must be complete in all respects. It must be a new pleading which stands by itself as an adequate complaint without reference to the complaint already filed.” (Doc. 4.)

The amended complaint sets forth the following claims: (1) nuisance violations of Canonsburg Borough Ordinance No. 1255 (Dog Barking); (2) Cruelty to animals in violation of Pennsylvania Cruelty to Animals Statute 5511(c)(1) & (2)(ii)(B); and (3) additional violations of [Canonsburg Borough] ordinance 1285(dogs) and claims under section 822 of the Restatement of Torts. Not only has the complaint been filed in the wrong venue but it fails to state a federal cause of action.

The complaint will be dismissed. An appropriate order will be issued.

s/Sylvia H. Rambo  
United States District Judge

Dated: July 28, 2010.

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